

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NEC Eastern Blvd. & Riverside
 Dr.- 401 & 403 Eastern Blvd. * ZONING COMMISSIONER
 Katrina's Doggie Den
 15th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District
 Katrina Koch, Petitioner * Case No. 95-49-A
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the properties located at 401-403 Eastern Boulevard in the Essex section of Baltimore County. The Petition is filed by Katrina Koch, property owner. Relief is requested from Sections 409.6.A.2 and 421.2 of the Baltimore County Zoning Regulations (BCZR) to permit 0 parking spaces in lieu of the required 19 spaces and to permit a distance of 53 ft. from a pet store use area to the nearest residential zone in lieu of the required 200 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was Katrina Koch, property owner. Also appearing was Paul Lee, the engineer who prepared the site plan. The Petitioner was represented by Richard H. Keller, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is 7,013 sq. ft. in gross area and is zoned B.L.-C.C.C. The site contains a single building which is separated into two addresses. These addresses share a common wall. The subject property on which this building is situated is located at the intersection of Eastern Boulevard and Riverside Drive. Mace Avenue is also located a short distance away, across Eastern Boulevard from the site.

Ms. Koch testified that she has owned the property and conducted her business from this site for approximately 15 years. Her business is known

ORDER RECEIVED FOR FILING
 Date 10/6/96
 By [Signature]

MICROFILMED

as Katrina's Doggie Den and is a pet store and grooming store for dogs. Ms. Koch indicated that originally the pet store/grooming shop was entirely located in that part of the building known as 401 Eastern Blvd. However, a recent expansion has enlarged the pet store/grooming shop to the entire building. Ms. Koch indicates that she has 10 full time employees and hopes to soon expand to 14 employees. Moreover, there has been extensive renovations to the interior of the building. The cost of these renovations is nearly \$150,000.00. Ms. Koch also notes that she lives immediately next door to the subject shop at 405 Eastern Boulevard in an apartment building. The nature of the business is primarily geared to the grooming of dogs. Also, there are some pet sales, including tropical fish and small reptiles. No birds, dogs or cats are sold from the site. Other ancillary services such as pet photography and sales of pet supplies are conducted on the property.

As to the variances requested, the first seeks a variance to allow 0 parking spaces in lieu of the required 19. The 19 space requirement is computed pursuant to the relevant provisions of the BCZR based upon the square footage of the subject building. In this regard, it is noted that a public parking lot is located immediately south of the site which contains numerous metered spaces. Moreover, there is street parking available. The Petitioner indicated that, in her 15 years of operation from this site, there has never been a parking problem. Most patrons for the dog grooming services come by appointment only and are residents of the vicinity. The second variance relates to the setback distance between the pet store and the nearest residential zone. It is to be noted that this zoning line is identical to the property/building line and separates the use from the apartments next door. But for these apartments, in which Ms. Koch resides, the uses in this area are predominantly commercial.

ORDER RECEIVED FOR FILING

Date

By

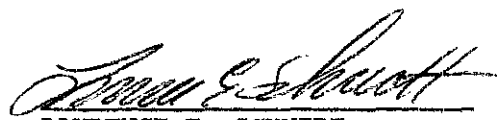
RECEIVED

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, I am persuaded to grant the variances requested. This is particularly appropriate in view of the long standing use of this property by the Petitioner and her business. Clearly, there is no detrimental affect to the surrounding locale caused by the operation of this business on site. Moreover, the unusual site constraints and conditions in the neighborhood justify a finding of practical difficulty. Lastly, I am persuaded that a grant of the relief would be consistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October, 1994 that a variance from Sections 409.6.A.2 and 421.2 of the Baltimore County Zoning Regulations (BCZR) to permit 0 parking spaces in lieu of the required 19 spaces, and to permit a distance of 53 ft., from a pet store use area to the nearest residential zone, in lieu of the required 200 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

10/6/94
M. Howard



Petition for Variance

95-49-A

to the Zoning Commissioner of Baltimore County

for the property located at

401 & 403 Eastern Boulevard

which is presently zoned "BL-CCC"

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.2 and 421.2 of the BCZR to permit 0 parking spaces in lieu of the required 19 parking spaces (A var. of 19 parking spaces) and to permit a distance of 53 feet from a Pet Store use area to the nearest residential zone in lieu of the required 200 feet (A var. of 147 feet).

Existing buildings have been adapted for reuse in a "BL-CCC" District.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Katrina's Doggie Den has been in existence for 14 years at this location. In 1981-82-83 she had a pet shop license. She owns the property and has made extensive improvements to the interior and exterior. She needs this variance in order to compete with the chain pet stores, such as Pet Stuff, etc. without this variance she will not be able to maintain the number of employees, fulltime (8) and with the

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

RICHARD H. KELLER

(Type or Print Name)

Richard H. Keller

Signature

4453 BELAIR RD. 485-1818

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

KATRINA KOCH

(Type or Print Name)

Katrina Koch

Signature

(Type or Print Name)

Signature

401 - 403 Eastern Blvd. 391-0363

Address

Phone No.

Baltimore, Maryland 21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Richard H. Keller

Name

4453 Belair Rd., Baltimore, Md.

Address

485-1818

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

8-9-94



Printed with Soybean Ink
on Recycled Paper



MICROFILMED

ITEM # 49

variance she will hire 3 - 6 additional fulltime employees. This business has been built up over the years by Katrina Koch, has put many hours of her time and money and would create an economic hardship on her as well as the employees and the community.

Paul Lee, P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5941

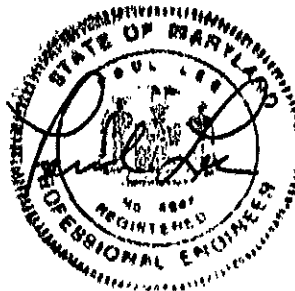
DESCRIPTION

#401 & #403 Eastern Boulevard

Election District 15c5 Baltimore, County, Maryland

Beginning for the same at a point located at the intersection of the south side of Eastern Boulevard with the east side of Riverside Drive; thence binding on the east side of Riverside Drive (1) S $18^{\circ}17'30''$ E - 140.16 feet to the north side of a 10 foot alley thence leaving said east side of Riverside Drive and binding on the north side of said 10 foot alley (2) Easterly - 54.41 feet, thence leaving said north side of the 10 foot alley, (3) Northerly - 141.10 feet to the south said of Eastern Boulevard; thence binding on the south side of Eastern Boulevard, (4) Westerly - 45 feet to the point of beginning.

Containing 7013 s.f. of land more or less.



J.O. 94-027
 7/27/94

ITEM # 49

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

B-49-A

District 15th

Date of Posting 9/2/94

Posted for: Variance

Petitioner: Kathrina Koch

Location of property: 401 & 403 Eastern Blvd, NE Cor. Riverside Drive

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by M. Healy

Signature

Date of return: 9/2/94

Number of Signs: 1



MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-49-A (Item 49)
Katrina's Doggie Den
401 and 403 Eastern Blvd.
NEC Eastern Blvd. and
Riverside Drive
15th Election District
5th Councilmanic
Petitioner(s):

Katrina Koch

HEARING: TUESDAY

SEPTEMBER 20, 1994 at
9:00 a.m. in Rm. 118, Old
Courthouse.

Variance: to permit zero parking spaces in lieu of the required 19 parking spaces and to permit a distance of 53 feet from a pet store use area to the nearest residential zone in lieu of the required 200 feet.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 867-3353.

(2) For information concerning the File and/or Hearing, Please Call 867-3391.

8/273 August 25.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

8/26

, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/25, 1994.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Rebellekhas



Baltimore City
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-49-A

Account: R-001-6150

Date 8-9-94

Number 40
F-17

KATELWA ROCH
401 & 403 TENSTEEN BLVD.

620 - VARIANCE — \$11 250⁰⁰

080 - SIGN 11'00' — \$1 35⁰⁰

TOTAL — \$11 285⁰⁰

PAID TO BALTIMORE COUNTY
8/9/94

CLAUDE S. BILCHER

\$285.00

BA COLLECTOR 09-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 49

Petitioner: Kn

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard H Keller

ADDRESS: 4453 Belair Road
Baltimore, MD 21206

PHONE NUMBER: (410) 485-1818

AJ:ggs

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(Revised 04/09/93)

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

file

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 19, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-49-A (Item 49)

Katrina's Doggie Den

401 and 403 Eastern Boulevard

NEC Eastern Boulevard and Riverside Drive

15th Election District - 5th Councilmanic

Petitioner(s): Katrina Koch

HEARING: TUESDAY, SEPTEMBER 20, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit zero parking spaces in lieu of the required 19 parking spaces and to permit a distance of 53 feet from a pet store use area to the nearest residential zone in lieu of the required 200 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Katrina Koch
Richard H. Keller

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 07 1994

Richard H. Keller
4453 Belair Road
Baltimore, Maryland 21206

RE: Item No. 49, Case No. 95-49-A
Petitioner: Katrina Koch

Dear Mr. Keller:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 9, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Gwen Stephens, ZADM

FROM: Jeffrey Long
Office of Planning & Zoning

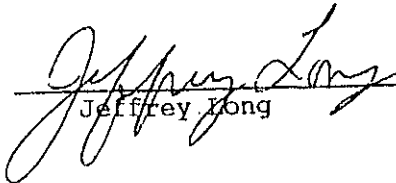
SUBJECT: Zoning Advisory Comments

DATE: August 26, 1994

Please be advised that additional time is required to review the following Petitions:

ITEM NOS. 41, 47, 48, (49) 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60,
and 61.

Please contact me if you have any questions or require additional information.


Jeffrey Long

JL:bjs

RECEIVED

AUG 29 1994

ZADM

STEPHENS, JL/PZONE/ZAC1

WICKED 10/1/94



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-19-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +49 (RT)

95 47

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

9/20
95-49A

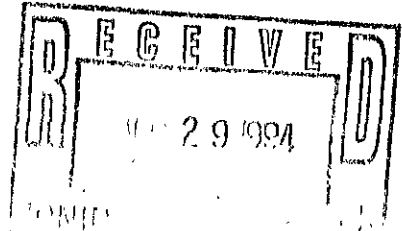
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 29, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning



SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos.: 48, 49, 53, 54, 57, 58, 61, 62, 63, 64, 67, and 70.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK:JL:bjs

RE: PETITION FOR VARIANCE * BEFORE THE
Katrina's Doggie Den, 401 and 403 *
Eastern Boulevard, NEC Eastern * ZONING COMMISSIONER
Boulevard and Riverside Drive, 15th *
Election Dist., 5th Councilmanic * OF BALTIMORE COUNTY

Katrina Koch * CASE NO. 95-49-A
Petitioner *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Richard H. Keller, Esquire, 4453 Belair Road, Baltimore, MD 21206, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECEIVED
AUG 31 1994

Katrina Koch-

GRANT

here for 15 years

pet/grooming store

owns the building

401 was pet shop

403 was other business

expansion to 403

10 employees (full time)

expansion to 14 employees

~~24~~ extensive renovations

401-403 (\$150,000 in remodeling costs)

lives at 405 (apt)

sell tropical fish/reptiles
no birds, dogs & cats

room - 71 on Saturday
led Photography
sell supplies -

Essex area

intersection road/Eastern/Riveride

BL-CCC

all uses are commercial

~~meter~~ metered parking lot - serves
customers

2 buildings generate 19 spaces

old subdivision 1909

(No exterior changes)

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

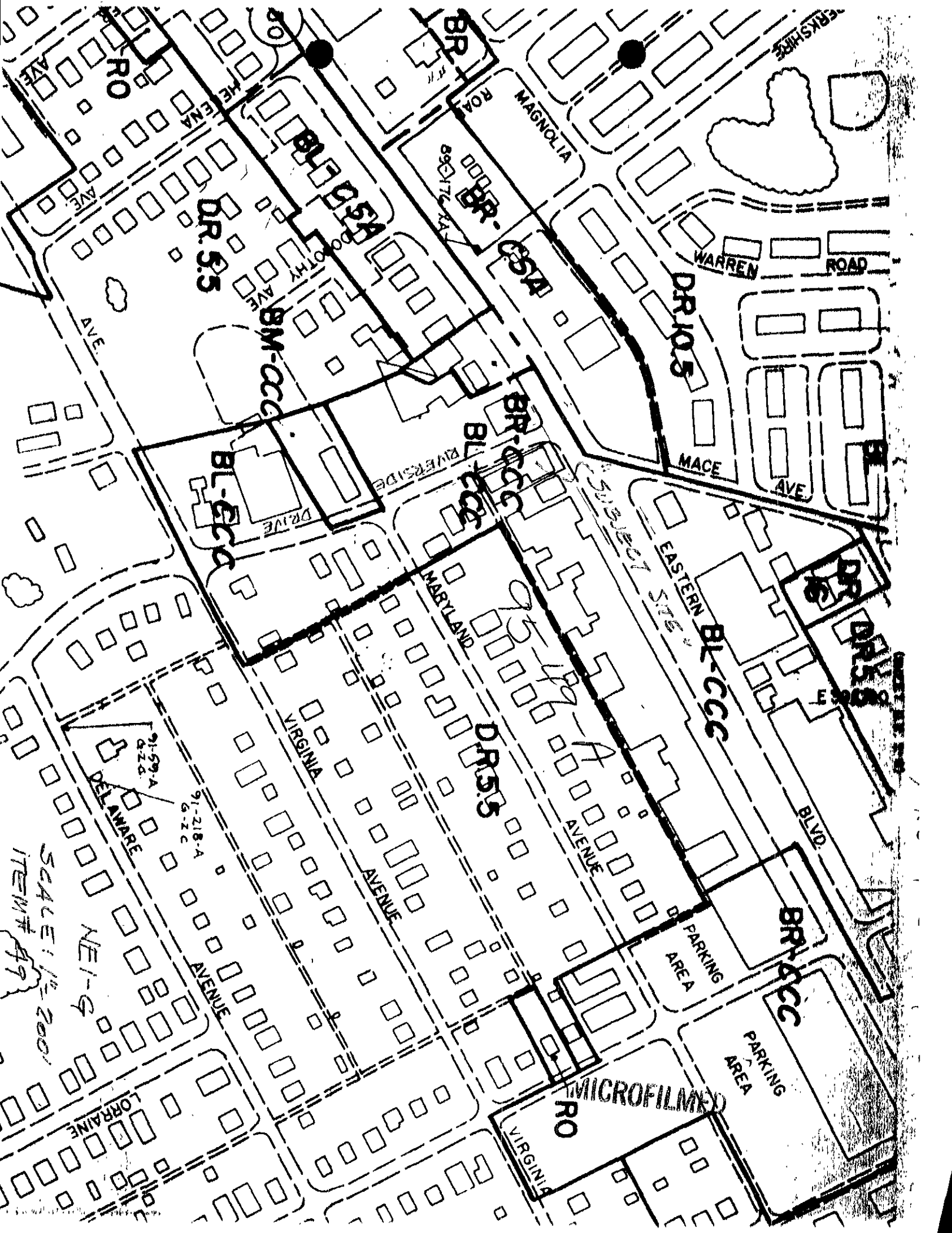
Richard H Keller
Katya Kach
Paul Lee

4453 Belair Rd. - 21206
401-403 Eastern Blvd
304 W. Pennsylvania Ave May



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 4, 1994

Richard H. Keller, Esquire
4453 Belair Road
Baltimore, Maryland 21206

RE: Case No. 95-49-A
Petition for Variance
Property: 401-403 Eastern Blvd.
Katrina's Doggie Den

Dear Mr. Keller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

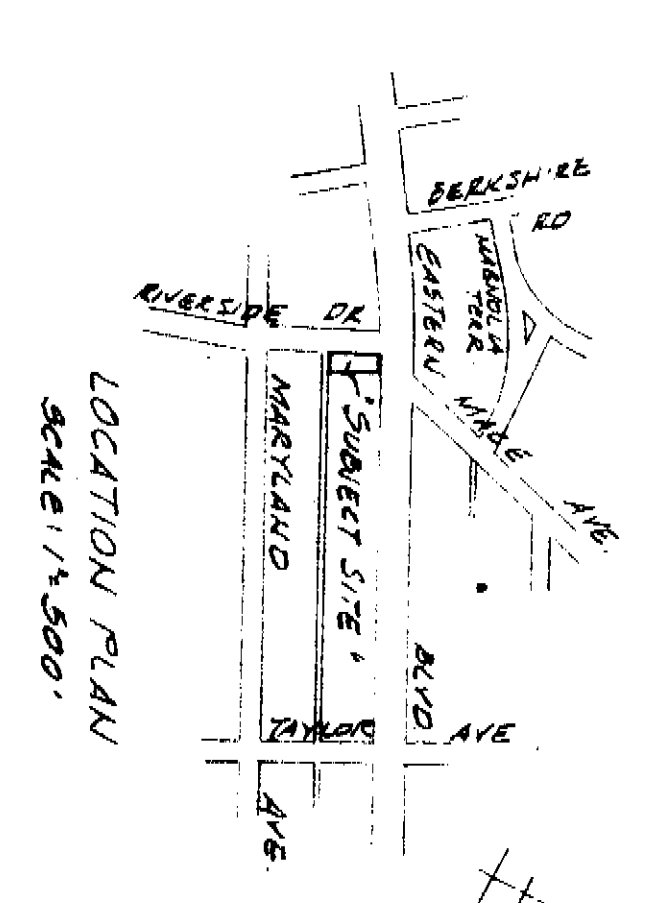
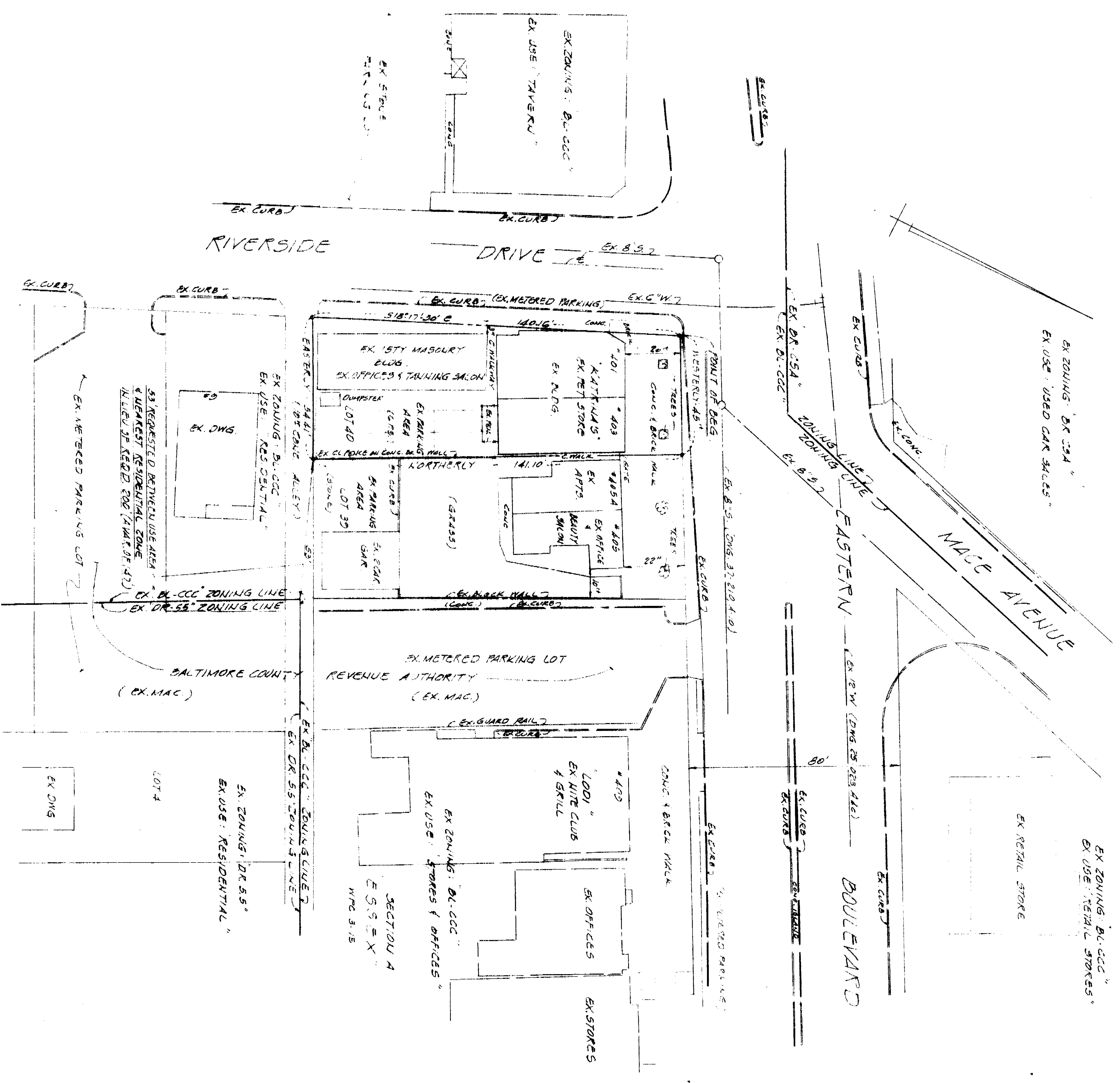
LES:mmn

att.

cc: Katrina Koch
Paul Lee

MICROFILMED





- ### GENERAL NOTES
1. AREA OF PROPERTY = 701.5 ± GROSS AREA = 18,673.6 ±
 2. EXISTING ZONING OF PROPERTY = D.C.C.C. = 0.29 AC.
 3. EXISTING USE OF PROPERTY = PET STORE, TANNING SALON & OFFICE
 4. PROPOSED ZONING OF PROPERTY = D.C.C.C.
 5. PROPOSED USE OF PROPERTY = PET STORE, TANNING SALON & OFFICE
 6. REQUIRED OFF-STREET PARKING:
 - A. EX. PET STORE = 2275 SF @ 5/1000 = 4.55
 - B. EX. OFFICE & TANNING SALON = 1341 SF @ 5/1000 = 2.68
 - TOTAL P.S. = 18.03 ± 19
 7. NUMBER OF PARKING SPACES SHOWN = 19
 8. PETITIONER REQUESTING A VARIANCE TO SECTION 403.6.2 OF THE DCGR TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 19 FOR EXISTING BUILDING USES (BASED ON EXISTING BUILDINGS BEING ADAPTED FOR RESIDE IN A D.C.C.C. DISTRICT). A VARIANCE OF 19 P.S. METETER PARKING EXISTING IN THE AREA, AND A VARIANCE TO SECTION 421.2 TO PERMIT A DISTANCE OF 53' FROM PET STORE USE AREA TO THE NEAREST RESIDENTIAL ZONE IN LIEU OF REQUIRED 200' (A VARIANCE OF 147')
 9. PROPERTY SERVED BY PUBLIC UTILITIES.
 10. PERMITTED P.A.R. = 4.0, EXIST. F.A.R. = 3816/701.5 = 0.52

PLAT TO ACCOMPANY PETITION FOR

VARIANCES
 401 & 403 EASTERN BOULEVARD
 (KATRINA'S DOGGIE DEN)
 ELECT. DIST. 15.05 BALTIMORE CO., MD.
 SCALE: 1"=20' JULY 21, 1994

PETITIONER'S EXHIBIT No. 1
95-49-A
 MICROFILMED
 ITEM #49

PAUL LEE ENGINEERING, INC.
 304 N. PENNSYLVANIA AVENUE
 BALTIMORE, MARYLAND 21204



IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NEC Eastern Blvd. & Riverside * ZONING COMMISSIONER
Dr. - 401 & 403 Eastern Blvd. *
Katrina's Doggie Den *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Katrina Koch, Petitioner * Case No. 95-49-A

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Ms. Koch testified that she has owned the property and conducted her business from this site for approximately 15 years. Her business is known

as Katrina's Doggie Den and is a pet store and grooming store for dogs. Ms. Koch indicated that originally the pet store/grooming shop was entirely located in that part of the building known as 401 Eastern Blvd. However, a recent expansion has enlarged the pet store/grooming shop to the entire building. Ms. Koch indicates that she has 10 full time employees and hopes to soon expand to 14 employees. Moreover, there has been extensive renovations to the interior of the building. The cost of these renovations is nearly \$150,000.00. Ms. Koch also notes that she lives immediately next door to the subject shop at 405 Eastern Boulevard in an apartment building. The nature of the business is primarily geared to the grooming of dogs. Also, there are some pet sales, including tropical fish and small reptiles. No birds, dogs or cats are sold from the site. Other ancillary services such as pet photography and sales of pet supplies are conducted on the property.

As to the variances requested, the first seeks a variance to allow 0 parking spaces in lieu of the required 19. The 19 space requirement is computed pursuant to the relevant provisions of the BCZR based upon the square footage of the subject building. In this regard, it is noted that a public parking lot is located immediately south of the site which contains numerous metered spaces. Moreover, there is street parking available. The Petitioner indicated that, in her 15 years of operation from this site, there has never been a parking problem. Most patrons for the dog grooming services come by appointment only and are residents of the vicinity. The second variance relates to the setback distance between the pet store and the nearest residential zone. It is to be noted that this zoning line is identical to the property/building line and separates the use from the apartments next door. But for these apartments, in which Ms. Koch resides, the uses in this area are predominantly commercial.

-2-

CHECKED FOR FILING
10/6/94
10/10/94
10/10/94

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, I am persuaded to grant the variances requested. This is particularly appropriate in view of the long standing use of this property by the Petitioner and her business. Clearly, there is no detrimental affect to the surrounding locale caused by the operation of this business on site. Moreover, the unusual site constraints and conditions in the neighborhood justify a finding of practical difficulty. Lastly, I am persuaded that a grant of the relief would be consistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of October, 1994 that a variance from Sections 409.6.A.2 and 421.2 of the Baltimore County Zoning Regulations (BCZR) to permit 0 parking spaces in lieu of the required 19 spaces, and to permit a distance of 53 ft., from a pet store use area to the nearest residential zone, in lieu of the required 200 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-3-

CHECKED FOR FILING
10/6/94
10/10/94
10/10/94



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 & 403 Eastern Boulevard
which is presently zoned "BL-COC"

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 409.6.A.2 and 421.2 of the BCZR to permit 0 parking spaces in lieu of the required 19 parking spaces (A var. of 19 parking spaces) and to permit a distance of 53 feet from a Pet Store use area to the nearest residential zone in lieu of the required 200 feet (A var. of 147 feet). Existing buildings have been adapted for reuse in a "BL-COC" District. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Katrina's Doggie Den has been in existence for 14 years at this location. In 1981-82-83 she had a pet shop license. She owns the property and has made extensive improvements to the interior and exterior. She needs this variance in order to compete with the chain pet stores, such as Pet Stuff, etc. without this variance she will not be able to maintain the number of employees, fulltime (8) and with the Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:		(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)	
Type or Print Name		Legal Owner(s)	
Signature		Signature	
Address		Address	
City		City	
State		State	
Zipcode		Zipcode	
Attorney for Petitioner:		Address	
Type or Print Name		Phone No.	
Signature		Signature	
Address		Address	
City		City	
State		State	
Zipcode		Zipcode	
ESTIMATED LENGTH OF HEARING		OFFICE USE ONLY	
The following date		Held Two Months	
ALL		OTHER	
REVIEWED BY: <u>R.T.</u>		DATE: <u>8-9-94</u>	

ITEM # 49

variance she will hire 3 - 6 additional fulltime employees. This business has been built up over the years by Katrina Koch, has put many hours of her time and money and would create an economic hardship on her as well as the employees and the community.

95-49-A

Paul Lee P.E.

Paul Lee Engineering Inc.
308 W. Pennsylvania Ave.
Towson, Maryland 21204
410-281-5381

DESCRIPTION

#401 & #403 Eastern Boulevard
Election District 15c5 Baltimore, County, Maryland

Beginning for the same at a point located at the intersection of the south side of Eastern Boulevard with the east side of Riverside Drive; thence binding on the east side of Riverside Drive (1) S 18°17'30" E - 140.16 feet to the north side of a 10 foot alley thence leaving said east side of Riverside Drive and binding on the north side of said 10 foot alley (2) Easterly - 54.41 feet, thence leaving said north side of the 10 foot alley, (3) Northerly - 141.10 feet to the south said of Eastern Boulevard; thence binding on the south side of Eastern Boulevard, (4) Westerly - 45 feet to the point of beginning.

Containing 7013 s.f. of land more or less.



J.O. 94-027
7/27/94

ITEM # 49

Engineers - Surveyors - Site Planners

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 4, 1994

Richard H. Keller, Esquire
4453 Belair Road
Baltimore, Maryland 21206

RE: Case No. 95-49-A
Petition for Variance
Property: 401-403 Eastern Blvd.
Katrina's Doggie Den

Dear Mr. Keller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
cc: Katrina Koch
Paul Lee

Printed with Soybean Ink
on Recycled Paper

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15c5 Date of Posting 9/2/94
Posted for: Katrina Koch
Petitioner: Katrina Koch
Location of property: 401 & 403 Eastern Blvd., NE Corner Riverside Drive
Location of Sign: Along Belair Road, on property being zoned
Remarks: _____
Posted by: M. Kelly Date of return: 9/7/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/26, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/25, 1994.

THE JEFFERSONIAN,
A. Henshaw
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Monmouth Avenue in Towson, Maryland 21204 or Room 110, Old Courthouse, 100 Washington Avenue, Towson, Maryland 21204 on the following:
Case Number: _____
Date: _____
Time: _____
Petitioner: _____
Address: _____
City: _____
State: _____
Zipcode: _____
The following date _____
Held Two Months _____
ALL _____
OTHER _____
REVIEWED BY: _____
DATE: _____
Printed with Soybean Ink on Recycled Paper

receipt 95-49-A

DATE 8-9-94

KATRINA KOCH

401 & 403 EASTERMAN BLVD.

020 - VARIANCE --- \$ 250.00

080 - SIGN PERMITS --- \$ 355.00

TOTAL --- \$ 285.00

MADEISSORICHPG \$285.00

DA 001130A709-09-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be assessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 49

Petitioner: KA

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard H. Keller

ADDRESS: 4453 Belair Road
Baltimore, MD 21206

PHONE NUMBER: (410) 485-1818

AR:ggg (Revised 04/09/93)

TO: PUTNAM PUBLISHING COMPANY
August 25, 1994 Issue - Jeffersonian

Please forward billing to:

Richard H. Keller
4453 Belair Road
Baltimore, Maryland 21206
485-1818

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-49-A (Item 49)
Katrins's Doggie Den
401 and 403 Eastern Boulevard
NEC Eastern Boulevard and Riverside Drive
15th Election District - 5th Councilmanic
Petitioner(s): Katrina Koch
HEARING: TUESDAY, SEPTEMBER 20, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit zero parking spaces in lieu of the required 19 parking spaces and to permit a distance of 53 feet from a pet store use area to the nearest residential zone in lieu of the required 200 feet.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

11 West Chesapeake Avenue
OWSON, MD 21204

AUGUST 19, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-49-A (Item 49)
Katrins's Doggie Den
401 and 403 Eastern Boulevard
NEC Eastern Boulevard and Riverside Drive
15th Election District - 5th Councilmanic
Petitioner(s): Katrina Koch
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Variance to permit zero parking spaces in lieu of the required 19 parking spaces and to permit a distance of 53 feet from a pet store use area to the nearest residential zone in lieu of the required 200 feet.

Arnold Jablon, Director

cc: Katrina Koch
Richard H. Keller

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 07 1994

Richard H. Keller
4453 Belair Road
Baltimore, Maryland 21206

RE: Item No. 49, Case No. 95-49-A
Petitioner: Katrina Koch

Dear Mr. Keller:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 9, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggg

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Owen Stephens, ZADM DATE: August 26, 1994

FROM: Jeffrey Long
Office of Planning & Zoning

SUBJECT: Zoning Advisory Comments

Please be advised that additional time is required to review the following Petitions:

ITEM NOS. 41, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61.

Please contact me if you have any questions or require additional information.

Jeffrey Long

JL:bjs

RECEIVED
AUG 29 1994
ZADM

STEPHENS, JL/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-19-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 49 (RT)

85-49

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 29, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

RECEIVED
AUG 29 1994

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos.: 48, 49, 53, 54, 57, 58, 61, 62, 63, 64, 67, and 70.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Kessler

PK:JL:bjs

ZACITEMS.NC/PZONE/ZAC1

RE: PETITION FOR VARIANCE
Katrina's Doggie Den, 401 and 403
Eastern Boulevard, NEC Eastern
Boulevard and Riverside Drive, 15th
Election Dist., 5th Councilmanic
District
Katrina Koch
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-49-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Baltimore, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Richard H. Keller, Esquire, 4453 Belair Road, Baltimore, MD 21206, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Katrina Koch - Grant

here for 15 years

Pet/crooning store

owns the building

401 was pet shop

403 was other business

expansion to 403

10 employees (full time)

expansion to 14 employees

the ~~are~~ extensive improvements

701-403 (\$50,000 in remodeling costs)

lives at 405 (apt)

sell tropical fish/reptile
no birds, dogs & cats

room - 71 on Saturday
let photography
sell supplies -

business area

the restoration work/extension/renovate

BL-CCC

all uses are commercial

notes: material parking lot - serves customers

2 buildings generate 19 spaces

old subdivision 1909

(No exterior changes)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

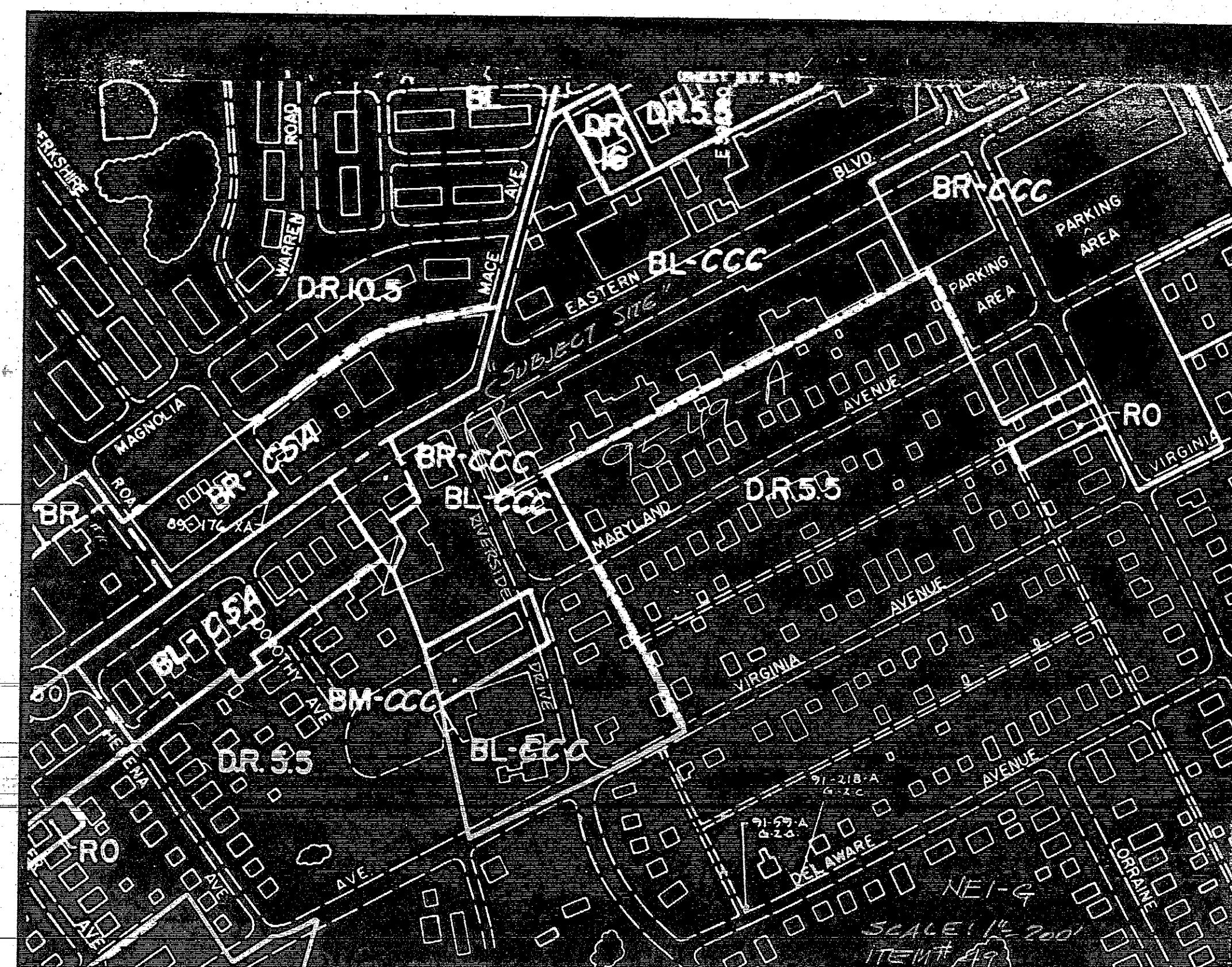
NAME

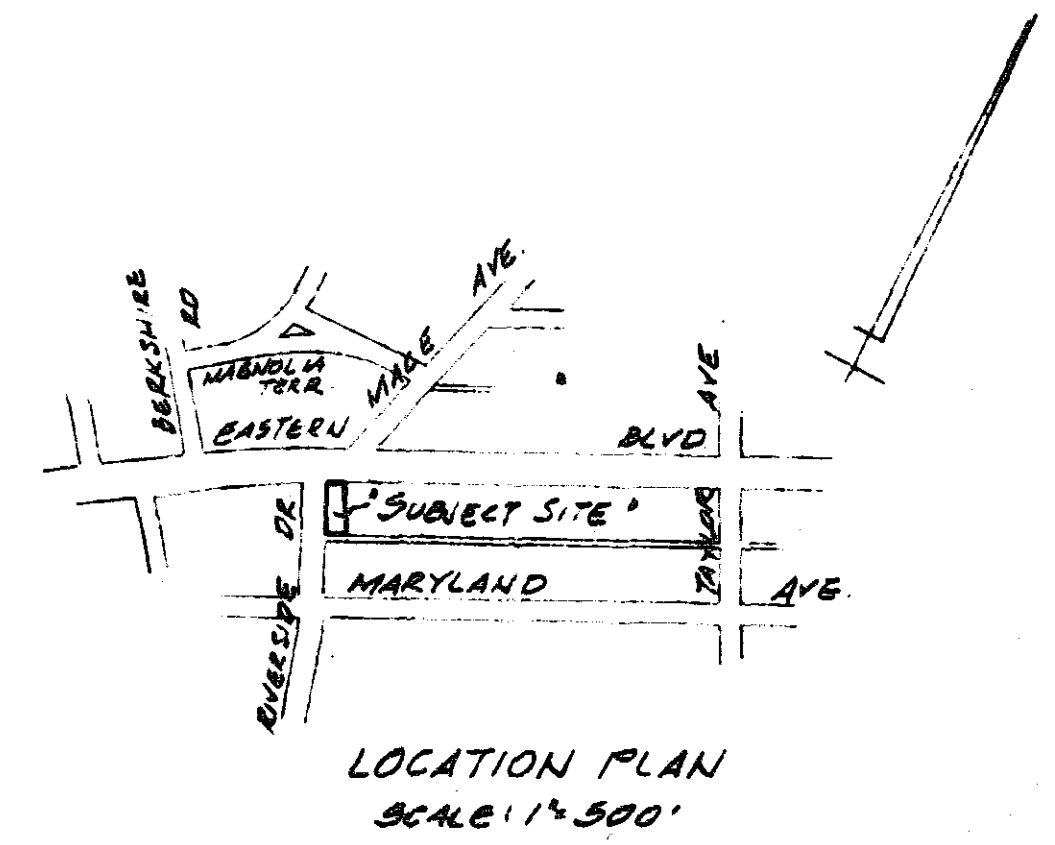
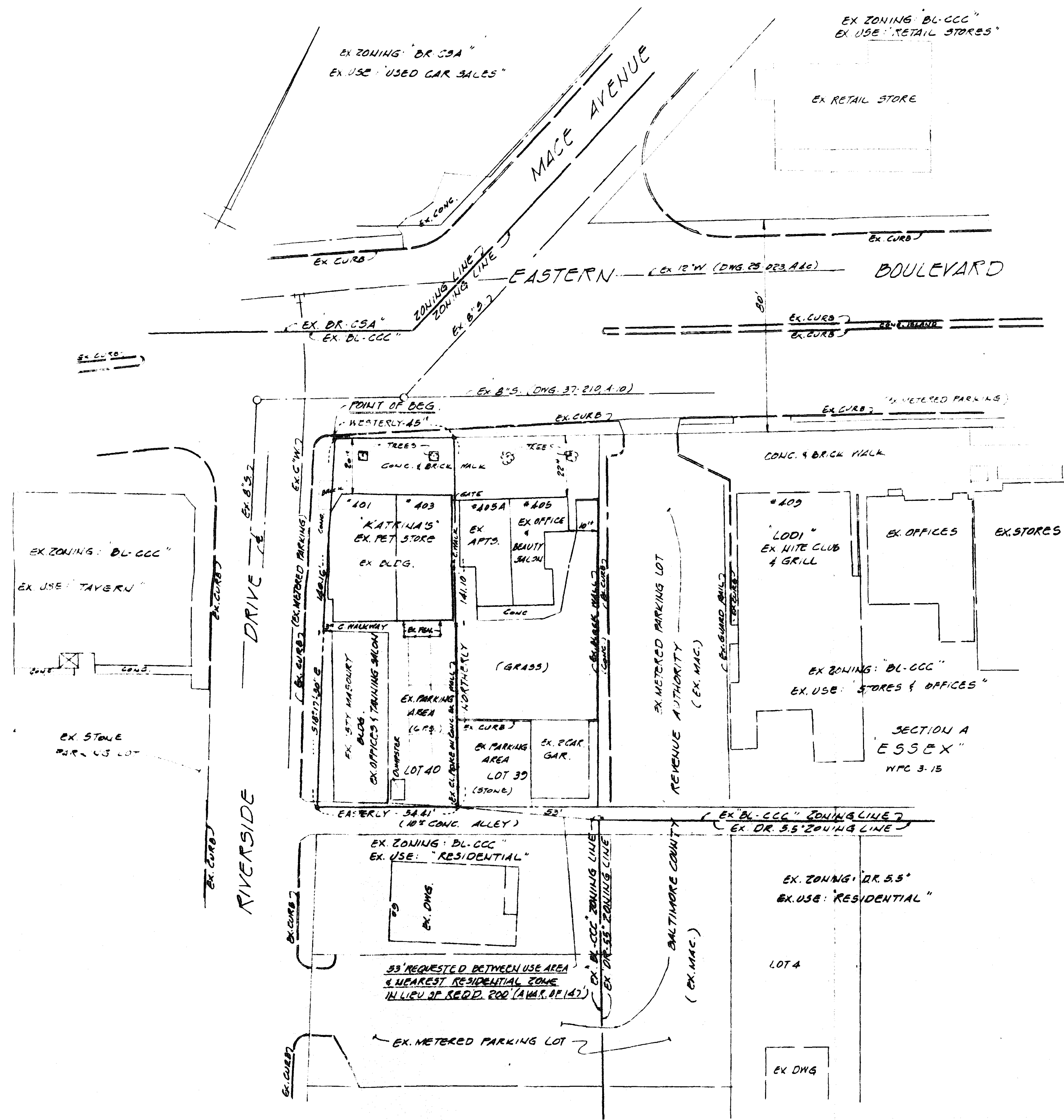
ADDRESS

Richard H. Keller
Katrina Koch
Pauline

4453 Belair Rd - 21206
401-403 Eastern Blvd
304 W. Pennsylvania Ave. 21201

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on Recycled Paper





GENERAL NOTES

1. AREA OF PROPERTY = 7013 S.F. GROSS AREA = 12,617 S.F.
= 0.16 AC. = 0.29 AC.
2. EXISTING ZONING OF PROPERTY = "BL-CCC"
3. EXISTING USE OF PROPERTY = "PET STORE, TANNING SALON & OFFICE"
4. PROPOSED ZONING OF PROPERTY = "BL-CCC"
5. PROPOSED USE OF PROPERTY = "PET STORE, TANNING SALON & OFFICE"
6. REQUIRED OFF-STREET PARKING:
A. EX. PET STORE = 2275 SF @ 5/1000 = 11.38
B. EX. OFFICE & TANNING SALON = 1341 SF @ 5/1000 = 6.71
TOTAL P.S. = 18.09 = 19
7. NUMBER OF PARKING SPACES SHOWN = 6
8. PETITIONER REQUESTING A VARIANCE TO SECTION 409.G.A. 2 OF THE BCZR TO PERMIT 0 PARKING SPACES IN LIEU OF THE REQUIRED 19 FOR EXISTING BUILDING USES (BASED ON EXISTING BUILDINGS BEING ADAPTED FOR RCUSE IN A "BL-CCC" DISTRICT). A VARIANCE OF 19 P.S. METERED PARKING EXISTING IN THE AREA AND A VARIANCE TO SECTION 421.2 TO PERMIT A DISTANCE OF 55' FROM PET STORE USE AREA TO THE NEAREST RESIDENTIAL ZONE IN LIEU OF REQUIRED 200' (A VARIANCE OF 147')
9. PROPERTY SERVED BY PUBLIC UTILITIES.
10. PERMITTED P.A.R. = 4.0, EXIST. P.A.R. = 3616/7013 = 0.52

PLAT TO ACCOMPANY PETITION
FOR

VARIANCES

"401 & 403 EASTERN BOULEVARD
(KATRINA'S DOGGIE DEN)

ELECT. DIST. 1305 BALTIMORE CO., MD
SCALE: 1" = 20' JULY 21, 1994

95-49-A

ITEM #49

PETITIONER'S
EXHIBIT No 1

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
BALTIMORE, MARYLAND 21204

